



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Holt, *et al.*

Group Art Unit: 2642

Serial No.: 08/876,839

Examiner: Tieu, Benny Quoc

Filed: June 16, 1997

Docket No. 190251-1270

For: Method and Apparatus for Routing Calls based on Identification of the Calling Party or Calling Line

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.47(a)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants submit the following Petition for permission to prosecute the aforementioned application without joint inventor, Evan Kraus. This Petition contains a statement of the facts involved, a statement of the action requested, and the petition fee set forth in 37 C.F.R. § 1.17(h). Consideration of these facts and the requested action are respectfully requested.

STATEMENT OF FACTS

1. Evan Kraus ("Mr. Kraus") contributed to the conception of subject matter ("the subject matter") disclosed in U.S. Patent Application No. 08/876,839 ("the '839 application").
2. The '839 application was filed on June 16, 1997 with the U.S. Patent and Trademark Office ("USPTO").
3. The '839 Application now claims priority to U.S. patent 5,764,747 ("the '747' patent").

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4. BellSouth Intellectual Property Corporation, the Assignee of the '747 patent and 'the '839 application ("Assignee") wishes to add claims to subject matter, the conception of which can be attributed to Mr. Kraus as a joint inventor.

5. Pursuant to assignment documentation of the '747 patent (See Reel/Frame 06504/0983, 009670/0482, and 009678/0367), Mr. Kraus has a legal duty to cooperate and execute all lawful papers and rightful oaths such that proper protection for all inventions and improvements can be obtained for the subject matter.

6. Mr. Kraus was contacted by Benjamin Balser ("Mr. Balser"), attorney for Assignee on Thursday, September 5, 2005 by email. A copy of the email with a cover letter, declaration and assignment documentation, the published patent, New Claims, and Statement are attached as Exhibit A.

7. Included in the email were declaration and assignment documentation pertaining to the subject matter that Mr. Kraus was asked to execute and return to Mr. Balser.

8. Mr. Balser spoke to Mr. Kraus by telephone ("the call") at approximately 10:40 a.m. Eastern Time on Thursday, November 3, 2005.

9. In the call, Mr. Kraus informed Mr. Balser, that he would not sign the declaration and assignment documents pertaining to the subject matter due to concerns that he would not be compensated for his contribution. A statement of facts by Mr. Balser is presented in Exhibit B.

10. As of date of this petition, Mr. Kraus has not returned the signed declaration documentation for the '839 application.



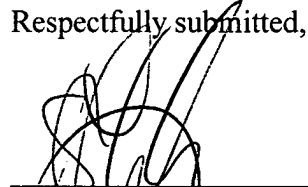
STATEMENT OF THE ACTION REQUESTED

In light of the aforementioned facts, Applicants respectfully request permission to prosecute the '839 application without the participation of Mr. Kraus. Therefore, it is respectfully submitted that Rule 47(a) is satisfied and that Applicants should be permitted to pursue the '839 application despite Mr. Kraus's abstention. To ensure full compliance with the technical requirements of 37 C.F.R. § 1.47 (a), the following is Mr. Kraus's last known address and the telephone number:

Evan Kraus
1136 Reeder Circle
Atlanta, Georgia 30306
(305) 467-3960

Any questions regarding this matter may be directed to the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Jeff Kuester
Reg. No. 34,367

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Cust. No.: 38823

Balser, Benjie

From: Balser, Benjie
Sent: Thursday, September 01, 2005 1:22 PM
To: 'ekraus@yahoo.com'
Cc: Kuester, Jeff; James, Theresa
Subject: Kraus

Dear Mr. Kraus:

Please find attached documents for your signature related to an application in which you are an inventor and need to be added as such due to newly added claims. The documents include a Declaration, Assignment, and Statement concerning the omission. Please sign your declaration page and the two other documents and fax them to my attention at (770) 951-0933 as quickly as possible. Also, please note that the Assignment document must be notarized. The Assignment document is not as time sensitive as the other documents. The declaration and statement of facts are very time sensitive.

Thanks and regards,

Benjie Balser...
Associate Attorney
Thomas, Kayden, Horstemeyer & Risley, LLP
Intellectual Property Law
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
Tel: (770) 933-9500 (ext. 246)
Fax: (770) 951-0933
email: benjie.balser@tkhr.com
This message may contain confidential information that is covered by the attorney-client privilege and/or work-product doctrine.



Cover letter to
Evan Kraus 4-1...



20020146103
(00289471).PDF



New claims
(00230499-2).DOC



Statement of Facts
- Kraus.doc...



Declarations of 8
inventors (0...



Assignment_After
Filing - Krau...

TKHR

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

ATTORNEYS AT LAW

100 Galleria Parkway, NW
Suite 1750
Atlanta, GA 30339-5948
Telephone: (770) 933-9500
Facsimile: (770) 951-0933
www.tkhr.com

Jeffrey R. Kuester

e-mail: jeff.kuester@tkhr.com

April 11, 2005

Mr. Evan Kraus
1136 Reeder Circle
Atlanta, Georgia 30306

RE: U.S. Patent Application
Title: Method and Apparatus for Routing Calls Based on Identification of the Calling
Party or Calling Line.
Inventors: Holt, *et al.*
Our Docket No.: 190251-1270; BellSouth Docket No.: 95041

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Sincerely,

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP**

Jeffrey R. Kuester

JRK

DECLARATION FOR PATENT APPLICATION

Attorney Docket No: 190251-1270

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Method and Apparatus for Routing Calls Based on Identification of the Calling Party or Calling Line**, the specification of which:

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☒ was filed on **June 16, 1997** as Application Serial No. **08/876,839**, as amended herewith.

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I/we hereby claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:
NOT APPLICABLE.

I/we hereby appoint all of the attorneys and agents of Customer Number **38823** as my/our attorneys and agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys and agents listed under that Customer Number may be changed from time to time at the sole discretion of Thomas, Kayden, Horstemeyer & Risley, LLP/BellSouth IP Corp., and request that all correspondence be addressed to the address filed under the same USPTO Customer Number. I/we hereby also appoint, as my/our attorneys and agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, Jeffrey R. Kuester, Reg. No. 34,367, Todd Mitchem, Reg. No. 40,731, Geoff Sutcliffe, Reg. No. 36,348, Jennifer Pearson Medlin, Reg. No. 41,385, all of whom are also currently associated with the same Customer Number.

38823

I hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of my own knowledge are true and correct and that all statements made on information and belief are believed to be true and correct; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature: _____ Date: _____
(*FIRST of EIGHT Inventors*)

Full Name of Inventor: Scott Crandall Holt

Residence: 1215 Blueberry Trail Citizenship: US
Decatur, GA 30033

Post Office Address: 1215 Blueberry Trail
Decatur, GA 30033

SEVEN Additional Declaration Pages Attached.

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Inventor's Signature: _____ Date: _____
(SECOND of EIGHT Inventors)

Full Name of Inventor: Christopher Bertran Medders

Residence: 3345 River Birch Way Citizenship: US
Roswell, GA 30075

Post Office Address: 3345 River Birch Way
Roswell, GA 30075

SEVEN Additional Declaration Pages Attached.

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Inventor's Signature: _____ Date: _____
(**THIRD of EIGHT Inventors**)

Full Name of Inventor: **Drina C. Yue**

Residence: **3/F, 2 Monmouth Terrace** Citizenship: **US**

Wanchai, Hong Kong

Post Office Address: **3/F, 2 Monmouth Terrace**

Wanchai, Hong Kong

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Inventor's Signature: _____ Date: _____
(*FOURTH of EIGHT Inventors*)

Full Name of Inventor: Raymond J. Smets

Residence: 2015 Westbourne Way Citizenship: US
Alpharetta, GA 30022

Post Office Address: 2015 Westbourne Way
Alpharetta, GA 30022

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Inventor's Signature: _____ Date: _____
(FIFTH of EIGHT Inventors)

Full Name of Inventor: Thomas Joseph Moquin

Residence: 2625 Grassview Drive Citizenship: US
Alpharetta, GA 30004

Post Office Address: 2625 Grassview Drive
Alpharetta, GA 30004

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Inventor's Signature: _____ Date: _____
(*SIXTH of EIGHT Inventors*)

Full Name of Inventor: Evan Kraus

Residence: 1136 Reeder Circle Citizenship: US
Atlanta, GA 30306

Post Office Address: 1136 Reeder Circle
Atlanta, GA 30306

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Inventor's Signature: _____ Date: _____
(SEVENTH of EIGHT Inventors)

Full Name of Inventor: Terry Durand

Residence: 3445 Chartley Lane, NE Citizenship: US
Roswell, GA 30075

Post Office Address: 3445 Chartley Lane, NE
Roswell, GA 30075

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Inventor's Signature: _____ Date: _____
(*EIGHTH of EIGHT Inventors*)

Full Name of Inventor: Lawrence R. Berke

Residence: 1825 Redbourne Drive Citizenship: US
Atlanta, GA 30350

Post Office Address: 1825 Redbourne Drive
Atlanta, GA 30350

SEVEN Additional Declaration Pages Attached.

PATENT ASSIGNMENT

WHEREAS, I, **Evan Kraus**, a citizen of the **United States of America**, residing at **1136 Reeder Circle**, City of **Atlanta**, State of **Georgia**, have invented certain inventions and improvements disclosed in an application for United States Letters Patent entitled **Method and Apparatus for Routing Calls Based on Identification of the Calling Party or Calling Line**, filed with the United States Patent and Trademark Office on **June 16, 1997**, assigned serial number **08/876,839**, and listing as inventor(s): **Scott Crandall Holt, Christopher Bertran Medders, Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Evan Kraus, Terry Durand, Lawrence R. Burke**;

WHEREAS, **BellSouth Intellectual Property Corporation**, a Corporation of the State of Delaware, having a place of business at 824 Market Street, Suite 901, Wilmington, DE 19801, is desirous of acquiring an interest in the same;

NOW, THEREFORE, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, **Evan Kraus**, by these presents do sell, assign and transfer unto **BellSouth Intellectual Property Corporation**, the full, exclusive and entire right, title and interest: (i) in and to all inventions and improvements disclosed and described in said application, (ii) in and to said application, (iii) in and to any divisional, continuation, and continuation-in-part applications describing in whole or in part said inventions and improvements, preparatory to obtaining Patents of the United States therefore, (iv) in and to all patents and reissues that may be granted in the United States for the aforementioned, (v) in and to any provisional patent applications filed in the United States describing in whole or in part the said inventions and improvements, from which priority may be claimed under Title 35 of the United States Code, and (vi) in and to the right to claim any applicable foreign and domestic priority rights arising from such provisional patent applications or aforementioned applications; I also hereby acknowledge that an obligation for this assignment and for the assignment of all related subject matter arose before any making of the invention and improvements disclosed and described in said application; and I hereby request the Commissioner of Patents to issue any and

all Patents of the United States resulting from said application, or from a division, continuation, continuation-in-part, or reissue thereof, to, **BellSouth Intellectual Property Corporation** as Assignee, for their interest and for the sole use and behoof of **BellSouth Intellectual Property Corporation** and their assigns and legal representatives;

For the same consideration, I, by these presence do sell, assign and transfer to **BellSouth Intellectual Property Corporation** the full, exclusive and entire right, title and interest in and to any foreign application or applications corresponding to said application, in whole or in part, in countries other than the United States, in and to any Patents and similar protective rights granted on said foreign application, and in and to the right to claim any applicable priority rights arising from or required for said foreign application under the terms of any applicable conventions, treaties, statutes, or regulations; said foreign applications to be filed and issued in the name of **BellSouth Intellectual Property Corporation** and or their respective designees, insofar as permitted by applicable law;

AND, for the same consideration, I agree to sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and other applications, make all assignments and rightful oaths, and generally do everything possible to aid **BellSouth Intellectual Property Corporation** their successors, assigns, and nominees, to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.

Date

Evan Kraus

STATE OF _____

COUNTY OF _____

Before me, a Notary Public in and for the State of _____, on this _____ day of _____, 200____, personally appeared **Evan Kraus**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

NOTARY PUBLIC

33. (New) A system for routing a communication to a subscriber, comprising:
- a receiver configured to receive a first communication directed to a personal number assigned to the subscriber;
 - a processor communicatively coupled to the receiver, the processor configured to access communication routing information in response to the first communication, the communication routing information including a list of destinations on the public switched telephone network, the list of destinations comprising a plurality of the destinations hierarchically arranged in order of subscriber preference for communication routing, the processor further configured to select the first destination on the list of destinations;
 - a transmitter communicatively coupled to the processor, the transmitter configured to place a further communication to the destination, the further communication including an indication of the receipt of the first communication upon its arrival at the destination;
 - a receiver configured to receive communication disposition information from the destination; and
 - a processor configured to dispose of the first communication in accordance with the communication disposition information by either routing the first communication to the first destination or by selecting the next hierarchically arranged destination on the list of destinations.
34. (New) The system of claim 33, wherein the list of destinations comprises a list of devices having at least two calling line numbers, the devices comprising at least one of the following: telephones, mobile phones, cellular phones, voice mail systems, facsimile devices, and paging devices.
35. (New) The system of claim 33, wherein the list of destinations comprises a first hierarchical list and a second hierarchical list, the first hierarchical list having destinations hierarchically arranged in order of subscriber preference for communication routing during a first period of time, the second hierarchical list having destinations hierarchically arranged in order of subscriber preference for communication routing during a second period of time.

36. (New) The system of claim 35, wherein the first period of time is a first portion of a twenty-four hour period and the second period of time is a second portion of the twenty-four hour period.

37. (New) The system of claim 35, wherein the first period of time is a first portion of a week and the second period of time is a second portion of the week.

38. (New) The system of claim 33, wherein the communication routing information further comprises:

an override destination, and

wherein the processor is further configured to:

select the first destination on the list of the destinations to determine if a priority override is established;

if the priority override is established, then to determine whether the source of the communication is a priority caller; and

if the source is a priority caller, then to select and route the communication to the override destination.

39. (New) The system of claim 38, wherein the communication routing information further comprises a default destination, and wherein the processor is further configured to select and route the communication to the default destination if the source is not a priority caller.

40. (New) The system of claim 39, wherein the subscriber has a voice mail service, and wherein the default destination comprises the voice mail service.

41. (New) The system of claim 34, wherein the processor is further configured to access the communication routing information in response to receiving a call on a calling line from the subscriber, and to substitute a new destination for a destination in the list of destinations.

42. (New) The system of claim 41, wherein the processor is further configured to request the new destination from the subscriber.

43. (New) The system of claim 41, wherein the processor is further configured to identify the calling line number associated with the calling line, and confirm the calling line number as the new destination with the subscriber.

44. (New) The system of claim 41, wherein the processor is further configured to substitute an override destination for the destination in the list of destinations.

45. (New) The system of claim 44, wherein the first destination comprises the override destination.

46. (New) The system of claim 44, wherein the processor is further configured to determine whether the source of the communication is a priority caller, and if the source is a priority caller, then to select the override destination as the destination.

47. (New) The system of claim 46, wherein the processor is further configured to then select a default destination for routing the communication if the source is not a priority caller.

48. (New) The system of claim 33, wherein the communication is initiated by a source, and the processor is further configured to identify the source of the communication.

49. (New) The system of claim 48, wherein the processor is further configured to announce the identification of the source.

50. (New) The system of claim 48, wherein the processor is further configured to request a confirmation of the identity from the source.

51. (New) The system of claim 48, wherein the processor is further configured to identify the calling line number associated with the source of the communication, and determine the identity

for the source by accessing a database to find a database entry corresponding to the calling line number.

52. (New) The system of claim 51, wherein the indication of the receipt comprises an indication of the identity obtained from the database.

53. (New) The system of claim 51, wherein the database comprises a subscriber personalized database having entries of priority callers, and wherein the processor is further configured to access the subscriber personalized database to find a priority caller entry corresponding to the calling line number.

54. (New) The system of claim 53, wherein the indication of the receipt comprises an indication of the identity obtained from the subscriber personalized database.

55. (New) The system of claim 53, wherein the indication of the receipt comprises an indication of the receipt of a priority call, and an indication of the identity obtained from the subscriber personalized database.

56. (New) The system of claim 53, wherein the processor is further configured to request from the source a confirmation of the identity obtained from the subscriber personalized database.

57. (New) The system of claim 33, wherein the processor is further configured to:
check the communication routing information for a mobile telephone destination;
check for a powered-on indication of the mobile telephone destination if the mobile telephone destination is present in the communication routing information; and
select the mobile telephone destination as the first destination if the mobile telephone destination provides the powered-on indication.

58. (New) The system of claim 33, wherein the processor is further configured to request the communication disposition information before the receiver receives the communication disposition information.

59. (New) The system of claim 33, wherein the communication disposition information comprises an acceptance of the communication, and wherein the receiver receives the acceptance.

60. (New) The system of claim 59, wherein the communication disposition information comprises a rejection of the communication, and wherein the receiver receives the rejection.

61. (New) The system of claim 60, wherein the rejection comprises an indication of a failure to receive the acceptance.

62. (New) The system of claim 33, wherein the communication disposition information comprises an acceptance of the communication, and wherein the processor is further configured to route the communication to the destination.

63. (New) The system of claim 33, wherein the communication disposition information comprises a rejection of the communication, and wherein the processor is further configured to route the communication to a default destination.

64. (New) The system of claim 63, wherein the default destination comprises a voice mail service, and wherein the processor is further configured to route the communication to the voice mail service.

65. (New) The system of claim 63, wherein the rejection comprises an indication of a failure to receive an acceptance of the communication, and wherein the processor is further configured to route the communication to a second destination.

66. (New) The system of claim 63, wherein the rejection comprises an indication of a failure to receive an acceptance of the communication, and wherein the processor is further configured to route the communication to a default destination.

67. (New) The system of claim 33, wherein the communication disposition information comprises a rejection of the communication, and wherein the processor is further configured to:

- select a second destination for routing the communication;
- indicate the receipt of the communication at the second destination;
- receive second communication disposition information; and
- dispose of the communication in accordance with the second communication disposition information.

68. (New) The system of claim 33, further comprising a service circuit node configured to receive and route the communication directed to the personal number according to the list of destinations.

69. (New) The system of claim 33, wherein the processor is further configured to play ringing tones for the source of the communication when the receipt of the communication at the destination is indicated.

70. (New) The system of claim 33, wherein the processor is further configured to inform the source of the communication that another destination is being contacted if the communication is not routed to the first destination on the list of destinations.

71. (New) The system of claim 33, wherein the subscriber can modify the order of the hierarchically arranged destinations.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 5436

Holt, et al.

Art Unit: 2642

Serial No.: 08/876,839

Docket No. 190251-1270

Filed: June 16, 1997

For: **Method and Apparatus for Routing Calls Based on Identification of the
Calling Party or Calling Line**

STATEMENT OF EVAN KRAUS

I, Evan Kraus, declare as follows:

1. I assisted in the design of *Method and Apparatus for Routing Calls Based on Identification of the Calling Party or Calling Line* as shown in the above-identified patent application.
2. Since my addition is necessitated by claim amendments, I was inadvertently omitted as an inventor on the above-identified patent application.
3. This omission occurred without any deceptive intent.

Date

Evan Kraus



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Holt, *et al.*

Group Art Unit: 2642

Serial No.: 08/876,839

Examiner: Tieu, Benny Quoc

Filed: June 16, 1997

Docket No. 190251-1270

For: Method and Apparatus for Routing Calls based on Identification of the Calling Party or Calling Line

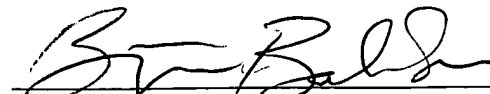
**STATEMENT OF FACTS IN SUPPORT OF
PETITION TO THE DIRECTOR**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

1. I, Benjamin Balser, attorney for Assignee contacted Evan Kraus ("Mr. Kraus") on Thursday, September 5, 2005 by email.
2. Included in the email were declaration and assignment documentation pertaining to the subject matter that Mr. Kraus was asked to execute and return to me.
3. I spoke to Mr. Kraus by telephone ("the call") at approximately 10:40 a.m. Eastern Time on Thursday, November 3, 2005.
4. In the call, Mr. Kraus informed me, that he would not sign the declaration and assignment documents pertaining to the subject matter due to concerns that he would not be compensated for his contribution.

Respectfully Submitted,


Benjamin A. Balser

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